

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA)	
v.)	Criminal Case No. 1:10-MJ-715,
JOSEPH ALLEN SMITH, et. al.,)	1:10-CR-438
Defendants.)	

NOTICE AND MOTION TO WITHDRAW AS COUNSEL OF RECORD

Pursuant to Rule 57.4(g) of the Local Rules of the United States District Court for the Eastern District of Virginia, Marina Medvin, counsel for Joseph Allen Smith, hereby requests withdrawal as counsel of record in the matters styled above, and any other matters which may come as a result of subsequent indictments related to the matters styled above, and in support thereof states as follows:

1. Joseph Smith and his daughter Cynthia Weaver, as agent thereof, have failed to provide the agreed-upon retainer fee to counsel, and have failed to pay attorney's fees in any amount;
2. Communications with clients for attorney's fees have been strained;
3. Continued representation of counsel in this matter would result in substantial financial hardship to counsel, as counsel is a sole-practitioner in a recently-opened law firm surviving solely on attorney's fees, and representation without payment in a complex drug charge case would require extensive time from counsel at the opportunity cost of paid clients;
4. This Court has permitted counsel to withdraw its representation where the

client does not comply with its fee arrangement and where communications are strained. *See NGM Ins. Co. v. Secured Title & Abstract, Inc.*, 2008 U.S. Dist. LEXIS 33478 (E.D. Va. 2008);

5. No prejudice will result to Joseph Smith as a trial date has not been set and discovery has not yet commenced;

6. Counsel believes that Joseph Smith will be eligible for court-appointed counsel due to the clients' current financial status;

7. Counsel has provided notice to Joseph Smith by providing Joseph Smith with a copy of this motion at the Alexandria Detention Center.

WHEREFORE, Marina Medvin, as counsel of record for Joseph Allen Smith, respectfully requests that this Court permit her to withdraw as counsel.

/s/ Marina Medvin
Marina Medvin, Esq. VSB No. 78820
1800 Diagonal Road
Suite 600
Alexandria, VA 22314
Tel: 703.870.6868
Fax: 703.890.9509
marina@medvinlaw.com
Counsel for Defendant Joseph Allen Smith.

CERTIFICATE OF SERVICE

I certify that on this 23rd day of November 2010, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

Andrew J. Ewalt
Special Assistant U.S. Attorney
U.S. Attorney's Office for the Eastern District of Virginia
2100 Jamieson Avenue
Alexandria, VA 22314
Phone: (703) 299-3955
Fax: (703) 299-3980
E-mail: andrew.j.ewalt@usdoj.gov
Counsel for the United States.

I further certify that on the 22nd day of November 2010, a copy of the foregoing motion was hand delivered to the Alexandria Detention Center at 2001 Mill Road in Alexandria, Virginia for delivery to Joseph Allen Smith.

/s/ Marina Medvin
Marina Medvin, Esq. VSB No. 78820
1800 Diagonal Road
Suite 600
Alexandria, VA 22314
Tel: 703.870.6868
Fax: 703.890.9509
Email: marina@medvinlaw.com
Counsel for Defendant Joseph Allen Smith.